

## TELEFAX COVER SHEET

**MOSER, PATTERSON & SHERIDAN, LLP**

ATTORNEYS AT LAW  
595 SHREWSBURY AVENUE  
FIRST FLOOR  
SHREWSBURY, NJ 07702  
TELEPHONE (732) 530-9404  
TELEFAX (732) 530-9808

RECEIVED  
CENTRAL FAX CENTER

NOV 12 2004

\*\*\*\*\*  
THIS TELEFAX MESSAGE IS ADDRESSED TO THE PERSON OR COMPANY LISTED BELOW.  
IF IT WAS SENT OR RECEIVED INCORRECTLY, OR YOU ARE NOT THE INTENDED  
RECIPIENT, PLEASE TAKE NOTICE THAT THIS MESSAGE MAY CONTAIN PRIVILEGED OR  
CONFIDENTIAL MATERIAL, AND YOUR DUE REGARD FOR THIS INFORMATION IS  
NECESSARY. YOU MAY ARRANGE TO RETURN THIS MATERIAL BY CALLING THE FIRM  
LISTED ABOVE AT (732) 530-9404  
\*\*\*\*\*

THIS MESSAGE HAS PAGES INCLUDING THIS SHEET

TO: Assistant Commissioner of PatentsFAX NO.: 703-872-9314FROM: Steven M. HertzbergDATE: November 12, 2004MATTER: Serial No. 09/458,319 Filed: 12/10/99DOCKET NO.: DIVA 043 (SEDN 043)APPLICANT: Smyth

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

☐ Petition  
☐ Disclosure Statement & PTO-1449  
☐ Priority Document  
☐ Drawings ( sheets) informal  
☐ Response Under 35 CFR 1.116

☒ RCE Transmittal Letter (2 copies)  
☐ Fee Transmittal (2 copies)  
☒ Deposit Account Transaction  
☒ Facsimile Transmission Certificate  
dated November 12, 2004

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Assistant  
Commissioner for Patents, Washington, DC 20231 on November 12, 2004  
Facsimile No. 703-872-9314

Linda LaForge  
Name of person signing this certificate

Linda LaForge 11-12-04  
Signature and date

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000.  
Provides for continued examination of an utility or plant application  
Filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/458,319
Filing Date	12/10/99
First Named Inventor	Smyth
Group Art Unit	2816
Examiner Name	Usha Raman
Attorney Docket Number	DIVA 043 (SEDN 043)

RECEIVED  
CENTRAL FAX CENTER  
2 2004

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

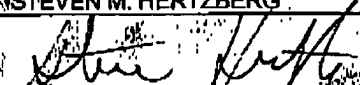
**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

- Submission required under 37 C.F.R. § 1.114**

  - ☒ Previously submitted
    - ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 Previously filed on 10/12/04  
(Any unentered amendment(s) referred to above will be entered)
    - ☐ Consider the arguments in the appeal brief or Reply brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☐ Enclosed
    - ☐ Amendment/Reply
    - ☐ Affidavit(s)/Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☐ Other \_\_\_\_\_
- Miscellaneous**

  - ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(b) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

  - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-0782
    - ☒ RCE fee required under 37 C.F.R. § 1.17(d)
    - ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - ☒ Other any other fees pursuant to 37 CFR 1.16 and 1.17
  - ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - ☐ Payment by credit card

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	STEVEN M. HERTZBERG	Registration No. (Attorney/Agent)	41,834
Signature		Date	November 12, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
Provides for continued examination of an utility or plant application  
Filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/458,319
Filing Date	12/10/99
First Named Inventor	Smyth
Group Art Unit	2816
Examiner Name	Usha Raman
Attorney Docket Number	DIVA 043 (SEDN 043)

RECEIVED  
CENTRAL FAX CENTER

NOV 2 2004

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1253 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 Previously filed on 10/12/04

(Any unentered amendment(s) referred to above will be entered)

ii. ☐ Consider the arguments in the appeal brief or Reply brief previously filed on \_\_\_\_\_

iii. ☐ Other \_\_\_\_\_

b. ☐ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(d) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-0782

i. ☒ RCE fee required under 37 C.F.R. § 1.17(d)

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☒ Other any other fees pursuant to 37 CFR 1.16 and 1.17

b. ☐ Check in the amount of \$\_\_\_\_\_ enclosed

c. ☐ Payment by credit card

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	STEVEN M. HERTZBERG	Registration No. (Attorney/Agent)	41,834
Signature		Date	November 12, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.